IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

APPEAL FROM ORDER NO.981 OF 2005
WITH
CIVIL APPLICATION NO.1156 OF 2005

Pannikar C.K. Shashidharan. ...Appellant.

Vs.

M. H. A. D. A. ...Respondent.

....

Mr. S.S. Redekar for the Appellant.
Mr. for the Respondent.

.....

CORAM : DR. D.Y. CHANDRACHUD, J.

November 21, 2005.

P.C.:

Not on Board. Mentioned. By consent taken on Board and taken up for admission.

The Appellant has not even a semblance of a right to occupy the premises in transit accommodation of MHADA. Admittedly and according to the statement of Counsel appearing on behalf of the Appellant, the premises were not alloted to the Appellant by MHADA. Premises in transit accommodation are intended for those persons who have been displaced from their original accommodation until their original premises are reconstructed or repaired. The Appellant is not such a person and

the Learned Trial Judge is not in error to refuse to grant ad-interim relief. The Appeal is dismissed. In the event that the Appellant files an undertaking before this Court within a period of two weeks from today to the effect that he shall hand over vacant and peaceful possession of the premises to the Respondent on or before 31st December 2005, the Appellant shall not be evicted from the premises until the aforesaid date. In order to enable the Appellant to file this undertaking, the Respondent shall not take any coercive step until 3rd December 2005.

In view of the disposal of the appeal, the Civil Application does not survive and is accordingly disposed of.

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